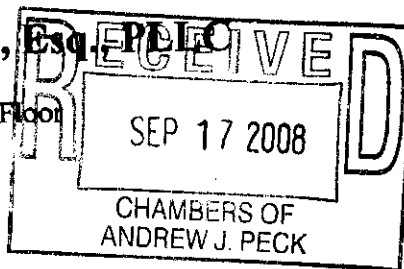


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September 17, 2008

Andrew J. Peck
United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Suite 1370
New York, NY 10007-1312

Re: USA v. Robert L. Harding et al
Case no. 07 Civ. 5924 (LLS) (AJP)

MEMO ENDORSED 9/17/08
Co. proposed at dep. Peck's request to 10/27 at 2 PM settlement conference, due to be paid. ADJOURNMENTS

BY FAX

SO ORDERED:

[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

Dear Judge Peck:

I hereby request an adjournment of the settlement conference in the above entitled case, currently scheduled for September 25, 2008. This request is being made with consent of plaintiff's counsel.

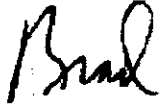
This request is being made because an additional, potential defense in the case came to light in a recent meeting with my client, Robert Harding. Addressing this issue has required the participation of a potential expert witness. That person is expected to finish his initial work only today. This timing is too tight for me to adequately prepare for the upcoming mediation, including the preparation of the confidential settlement memorandum to chambers. As of the end of last week, I expected that the potential expert witness would be ready to speak with me this past Monday, and give me sufficient information to move forward to meet the current settlement schedule. That did not happen, partially because of a breakdown in the communications equipment at the office of the expert witness.

I have spoken with Rebecca Martin regarding scheduling, and we suggest a settlement conference date of either October 27 or October 31, 2008, with the confidential settlement memoranda being due no later than one week prior thereto.

Please note that yesterday I contacted Judge Stanton's chambers regarding the rescheduling of the next court conference in this case, currently scheduled for October 17, 2008. I received a call-back from his chambers yesterday afternoon, and I was told that the judge is agreeable to a change in the October 17th date to accommodate an adjournment of the settlement conference. I was asked to call Judge Stanton's chambers with the new settlement conference date, if an adjournment is ordered,

so state Judge Stanton can then adjourn the October 17th conference date and set a new conference date.

Sincerely,



M. Bradford Randolph
*Attorney for Robert L. Harding and
Debra Harding*

SO ORDERED:

Andrew J. Peck
United States Magistrate Judge

Copy to: Rebecca Martin

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
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Dated: September 17, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Rebecca C. Martin, Esq.	212-637-2686
M. Bradford Randolph, Esq.	212-759-0087
John P. Sheridan, Esq.	212-592-1500
Marianne McCarthy, Esq.	516-296-9155

TRANSCRIPTION:

MEMO ENDORSED 9/17/08

Conf. adjourned at defendants' request to 10/27 at 2 PM (settlement memo 10/20), clients to be present. NO FURTHER ADJOURNMENTS.

Copy to: Judge Louis L. Stanton